

AMENDED IN ASSEMBLY JUNE 18, 2001
AMENDED IN ASSEMBLY MAY 21, 2001
AMENDED IN SENATE MARCH 26, 2001

SENATE BILL

No. 208

Introduced by Senator Alpert

February 9, 2001

An act to amend Section 7522 of the Business and Professions Code, relating to private investigators.

LEGISLATIVE COUNSEL'S DIGEST

SB 208, as amended, Alpert. Private investigators: exemption from licensure.

Existing law provides for the licensing and regulation of private investigators, but excepts from those provisions specified individuals and entities.

This bill would also except from those provisions, a holder of a certificate or degree in human resource management, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 7522 of the Business and Professions
- 2 Code is amended to read:
- 3 7522. This chapter does not apply to:
- 4 (a) A person employed exclusively and regularly by any
- 5 employer who does not provide contract security services for other
- 6 entities or persons, in connection with the affairs of the employer

1 only and where there exists an employer-employee relationship if
2 that person at no time carries or uses any deadly weapon in the
3 performance of his or her duties. For purposes of this subdivision,
4 “deadly weapon” is defined to include any instrument or weapon
5 of the kind commonly known as a blackjack, slungshot, billy,
6 sandclub, sandbag, metal knuckles, any dirk, dagger, pistol,
7 revolver, or any other firearm, any knife having a blade longer than
8 five inches, any razor with an unguarded blade and any metal pipe
9 or bar used or intended to be used as a club.

10 (b) An officer or employee of the United States of America, or
11 of this state or a political subdivision thereof, while the officer or
12 employee is engaged in the performance of his or her official
13 duties, including uniformed peace officers employed part time by
14 a public agency pursuant to a written agreement between a chief
15 of police or sheriff and the public agency, provided the part-time
16 employment does not exceed 50 hours in any calendar month.

17 (c) A person engaged exclusively in the business of obtaining
18 and furnishing information as to the financial rating of persons.

19 (d) A charitable philanthropic society or association duly
20 incorporated under the laws of this state that is organized and
21 maintained for the public good and not for private profit.

22 (e) An attorney at law in performing his or her duties as an
23 attorney at law.

24 (f) Admitted insurers and agents and insurance brokers
25 licensed by the state, performing duties in connection with
26 insurance transacted by them.

27 (g) Any bank subject to the jurisdiction of the Commissioner
28 of Financial Institutions of the State of California under Division
29 1 (commencing with Section 99) of the Financial Code or the
30 Comptroller of Currency of the United States.

31 (h) A person engaged solely in the business of securing
32 information about persons or property from public records.

33 (i) A peace officer of this state or a political subdivision thereof
34 while the peace officer is employed by a private employer to
35 engage in off-duty employment in accordance with Section 1126
36 of the Government Code. However, nothing herein shall exempt
37 a peace officer who either contracts for his or her services or the
38 services of others as a private investigator or contracts for his or
39 her services as or is employed as an armed private investigator. For
40 purposes of this subdivision, “armed private investigator” means



1 an individual who carries or uses a firearm in the course and scope
2 of that contract or employment.

3 (j) A licensed insurance adjuster in performing his or her duties
4 within the scope of his or her license as an insurance adjuster.

5 (k) Any savings association subject to the jurisdiction of the
6 Commissioner of Financial Institutions or the Office of Thrift
7 Supervision.

8 (l) Any secured creditor engaged in the repossession of the
9 creditor's collateral and any lessor engaged in the repossession of
10 leased property in which it claims an interest.

11 (m) The act of serving process by an individual who is
12 registered as a process server pursuant to Section 22350.

13 (n) (1) A person or business engaged in conducting objective
14 observations of consumer purchases of products or services in the
15 public environments of a business establishment by the use of a
16 preestablished questionnaire, provided that person or business
17 entity does not engage in any other activity that requires licensure
18 pursuant to this chapter. The questionnaire may include objective
19 comments.

20 (2) If a preestablished questionnaire is used as a basis, but not
21 the sole basis, for disciplining or discharging an employee, or for
22 conducting an interview with the employee that might result in the
23 employee being terminated, the employer shall provide the
24 employee with a copy of that questionnaire using the same
25 procedures that an employer is required to follow under Section
26 2930 of the Labor Code for providing an employee with a copy of
27 a shopping investigator's report. This subdivision does not exempt
28 from this chapter a person or business described in paragraph (1)
29 if a preestablished questionnaire of that person or business is used
30 as the sole basis for evaluating an employee's work performance.

31 (o) An individual who meets all of the following:

32 (1) (A) Holds a certificate in human resource management
33 from a California based or a national association of human
34 resource professionals whose primary function shall include
35 professional education and the issuance of certificates evidencing
36 competency in human resource management or (B) holds a
37 certificate or degree in human resource management, or the
38 equivalent, from a college or university that is accredited by an
39 accrediting agency recognized by the United States Department of
40 Education.

- 1 (2) Has completed coursework in human resource
2 management.
- 3 (3) Is acting as an independent contractor ~~analyzing, including~~
4 ~~through use of interviews and review of who may conduct~~
5 ~~interviews and obtain and review~~ relevant documents, for his or
6 her employer *relating to* accusations or incidents of harassment in
7 the workplace solely to provide the following types of services:
- 8 (A) Making recommendations for corrective action regarding
9 harassment in the workplace.
- 10 (B) Providing assessments of harassment in the workplace.
- 11 (C) Training management and employees on harassment
12 prevention in the workplace.
- 13 (D) Preparing written policies and procedures for the
14 prevention of harassment in the workplace.
- 15 (4) Has not previously been denied licensure in this state or any
16 other state or had his or her license revoked by the bureau or a
17 similar agency in any other state.
- 18 (5) Nothing in this subdivision allows human resource
19 professionals access to confidential information that is available
20 to private investigators solely by virtue of their status as licensed
21 private investigators under Sections 7520 to 7539, inclusive.

